

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 1:23-cv-22061-KMM

NIGEL FRANK DE LA TORRE PARDO,

Plaintiff,

v.

DAMI REALTY LLC and
TROPICAL SUPERMARKET No. 3, Inc.,

Defendant.

ORDER

THIS CAUSE came before the Court upon the Parties' Joint Motion for Approval and Entry of Consent Decree. ("Mot.") (ECF No. 29). Therein, the Parties move for the dismissal of the above-captioned action with prejudice, as well as for the Court's approval of a Consent Decree attached to the Motion, *see* (ECF No. 29-2).


A court may enter a consent decree "only if the settlement it incorporates is 'fair, adequate, and reasonable and is not the product of collusion between the parties.'" *Florida Wildlife Fed'n, Inc. v. Jackson*, 2009 WL 5217062, at *3 (N.D. Fla. Dec. 30, 2009) (citing *Cotton v. Hinton*, 559 F.2d 1326, 1330 (5th Cir. 1977)). The Eleventh Circuit has opined that courts within this district should approve consent decrees so long as they are not "unconstitutional, unlawful, unreasonable or contrary to public policy." *Stovall v. City of Cocoa*, 117 F.3d 1238, 1240 (11th Cir. 1997). Further, where the claim underlying the consent decree is meant to enforce a statute, the consent decree "must be consistent with the statutory objectives." *Florida Wildlife Fed'n*, 2009 WL 5217062, at *3 (citing *White v. Alabama*, 74 F.3d 1058, 1074 & n. 52 (11th Cir. 1996)).

The Court finds that the Consent Decree annexed to the Parties' Motion is not unconstitutional, unlawful, unreasonable, or contrary to public policy. Moreover, the Court finds that the Consent Decree is consistent with the statutory objectives of Title III of the Americans with Disabilities Act, 42 U.S.C. § 12181 et seq.

Accordingly, UPON CONSIDERATION of the Motion, the pertinent portions of the record, and being otherwise fully advised in the premises, it is hereby ORDERED AND ADJUDGED that the Motion (ECF No. 29) is GRANTED.

1. The Court APPROVES and ADOPTS the Consent Decree (ECF No. 29-2). Pursuant to Fed. R. Civ. P. 54, the Consent Decree is hereby ENTERED and this action is DISMISSED WITH PREJUDICE.
2. Per the Parties' request, the Court shall retain jurisdiction to enforce the Consent Decree. Each party shall bear their own attorney's fees and costs except as detailed in the Consent Decree.

DONE AND ORDERED in Chambers at Miami, Florida, this 5th day of December, 2023.


K. MICHAEL MOORE
UNITED STATES DISTRICT JUDGE

c: All counsel of record